

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

BYRON J. EVERIDGE,

Plaintiff,

v.

Case No. 3:10cv466/MCR/CJK

SERGEANT CANNON, et al.,

Defendants.

\_\_\_\_\_ /

ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on November 1, 2011, pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing objections to the Recommendation (doc. 19), the Recommendation is adopted as the opinion of the Court.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. The plaintiff's federal claims are DISMISSED WITH PREJUDICE under 28 U.S.C. § 1915(e)(2)(B)(ii) for plaintiff's failure to state a claim upon which relief may be granted.
3. To the extent the complaint raises state law claims, such claims are DISMISSED WITHOUT PREJUDICE to plaintiff's re-filing them in the appropriate state court.
4. The clerk is directed to close the file.

DONE AND ORDERED this 18th day of November, 2011.

*M. Casey Rodgers*

**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**